

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CIVIL ACTION

GERALD J. DEMENNA, individually and
d/b/a CHEM-CHEK CONSULTING,

Plaintiffs,

– against –

BUCK SCIENTIFIC, INC., ROBERT J.
ANDERSON, and ERIC ANDERSON,

Defendants.

CASE NO. 07-CV-6240 (LAP)

**ORDER TO SHOW CAUSE
FOR PRELIMINARY INJUNCTION
AND TEMPORARY
RESTRANDING ORDER**

UPON the affidavit of Gerald J. DeMenna, sworn to on the 5th day of July, 2007, the exhibits annexed thereto, the Affirmation of Joel J. Reinfeld, Esq. dated July 5, 2007, and upon the copy of the Complaint hereto annexed, it is

ORDERED, that the above named Defendants, or their counsel, show cause before a motion term of this Court, in Courtroom 1320 of the Daniel Patrick Moynihan United States Courthouse, located at 500 Pearl Street, in the City, County and State of New York, on the 26th day of **JULY 2007**, at 10:30 o'clock in the forenoon thereof, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure enjoining the Defendants, during the pendency of this action, from:

- a. publishing, distributing, and/or rendering any statement concerning the purported basis for Plaintiff's termination of services for Buck Scientific, Inc. (hereinafter "Buck") except in response to written request for same by a third-party seeking references with regard to hiring the Plaintiff;
- b. voluntarily contacting any third-party for the purpose of publishing, distributing, and/or rendering any statement concerning the Plaintiff and/or his performance of the services for which Buck engaged him;
- c. reviewing, accessing, copying, disseminating, and/or utilizing in any manner the confidential and proprietary information that had been stored on Plaintiff's personal computers on or before June 18, 2007. For purposes of this subsection (c) the term

"confidential and proprietary information" shall be defined as:

1. Any E-Mail not related to Buck;
2. Any and all Chem-Chek documents, including but not limited to proposals, correspondence, etc.
3. Any and all analytical records for testing for non-Buck customers or testing for Buck customers for products not sold by Buck;
4. Any and all personal correspondence to and from the Plaintiff not including any correspondence to which any Defendant may have been a party;
5. Plaintiff's family pictures and correspondence;
6. Any and all Sacred Heart University correspondence or materials;
7. Any use of FUNSCI-AA, FUNSCI-IR, FUNSCI-LC, FUNSCI-GC, FUNSCI-UV, FUNSCI-VIS and FUNSCI-FL programs and/or logos, and the trademarked "Spectroscopy Lab Coat".

and, it is further

ORDERED that, sufficient reason having been shown therefor, pending the hearing of Plaintiff's application for a preliminary injunction, pursuant to Rule Rule 65 of the Federal Rules of Civil Procedure, the Defendants are temporarily restrained and enjoined from:

- a. publishing, distributing, and/or rendering any statement concerning the purported basis for Plaintiff's termination of services fro Buck Scientific, except in response to written request for same by a third-party seeking references with regard to hiring the Plaintiff;
- b. voluntarily contacting any third-party for the purpose of publishing, distributing, and/or rendering any statement concerning the Plaintiff and/or his performance of the services for which Buck Scientific engaged him;
- c. reviewing, accessing, copying, disseminating, and/or utilizing in any manner the confidential and proprietary information that had been stored on Plaintiff's personal computers on or before June 18, 2007 as is defined above;

and, it is further

ORDERED that personal service of a copy of this order, together with the annexed affidavit and Complaint, upon the Defendants' counsel on or before the 11th day of JULY 2007, at 5:00 o'clock in the afternoon thereof, shall be deemed good and sufficient service thereof.

DATED: July 9, 2007
New York, New York

ISSUED: 4:50 P M

Loretta A. Preska
United States District Judge